

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ARNOLD DAVILA, JR.,

Plaintiff,

VS.

ERICKSON & JENSEN SEAFOOD
PACKERS, *et al*,

Defendants.

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CIVIL ACTION NO. 2:12-CV-00283

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS THE DECEASED DEFENDANTS**


On May 2, 2013, United States Magistrate Judge Brian L. Owsley issued his “Memorandum and Recommendation to Dismiss the Deceased Defendants” (D.E. 26). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 26), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff's claims against Defendants Carl Erickson and Hubert Jensen are **DISMISSED WITHOUT PREJUDICE** for failure to effectuate service and/or for failure to seek substitution of another entity for the deceased Defendants.

ORDERED this 16th day of December, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE